

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

FILED
AUSTIN DIVISION

2002 AU 21 PH 3:18

WESTERN DISTRICT OF TEXAS
U.S. CLERK'S OFFICE

BY: *AW*
6/7/02

RYAN DICKERSON, A MINOR §
BY AND THROUGH HIS PARENTS, §
DANIEL DICKERSON AND §
SUZANNE DICKERSON, AS NEXT §
FRIENDS; DANIEL DICKERSON §
AND SUZANNE DICKERSON, AS §
NEXT FRIENDS OF THEIR MINOR §
SON, RYAN DICKERSON; SUZANNE §
DICKERSON, INDIVIDUALLY; §
AND DANIEL DICKERSON, §
INDIVIDUALLY, §

NO. SA-99-CA0001JN

PLAINTIFFS, §

V. §

UNITED STATES OF AMERICA, §

DEFENDANT. §

JUDGMENT ON REMAND
FROM THE FIFTH CIRCUIT COURT OF APPEALS

In accordance with the April 16, 2001 Order of the Fifth Circuit granting Partial Summary Affirmance in No. 00-50505, Dickerson v. United States, and the January 16, 2002 decision of the Fifth Circuit in the same cause remanding this cause to this District Court for entry of a judgment consistent with the Fifth Circuit's decision, this Court hereby ENTERS the following judgment in this cause.

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1. Judgment is ENTERED in favor of Ryan Dickerson, a minor, by and through his parents, Daniel Dickerson and Suzanne Dickerson, as next friends; Daniel Dickerson and Suzanne Dickerson, as next friends of their minor son, Ryan Dickerson; Suzanne Dickerson, Individually; and Daniel Dickerson, Individually, in accordance with the April 16, 2001 order granting Partial Summary Affirmance, for the total amount of \$20,000,000 plus interest at the rate of .06197% per annum from the date of the filing of a transcript of the April 17, 2000 Amended Judgment of this Court with the Secretary of the Treasury to the date of the Partial Summary Affirmance of this cause entered by the Fifth Circuit on April 16, 2001. The Court having been informed by the parties that this amount has been paid by the Government in accordance with the Partial Summary Affirmance, the Government is discharged from that portion of this judgment.

2. The apportionment ordered by the Fifth Circuit's January 16, 2002 decision of the \$20,000,000 and accrued post judgment interest, having already been ordered by the Honorable H.F. Garcia by Order of May 22, 2001 pursuant to the Agreed Motion by Daniel Dickerson and Suzanne Dickerson, parents and next friends of Ryan Dickerson, and Van Hilley, Guardian ad Litem

for Ryan Dickerson, which Motion was not opposed by the Government, is approved and adopted by this Court.

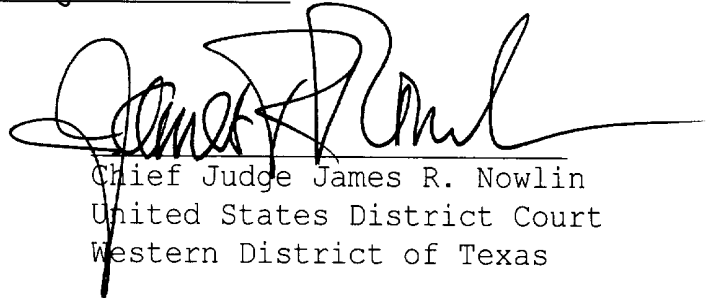
3. After an evidentiary hearing to determine what, if any, activities were attributable to the guardian ad litem acting as an attorney ad litem, and having made a Finding of Fact that all of the activities of Van Hilley, the guardian ad litem in this case, were in the capacity of guardian for Ryan Dickerson and none of the activities of Hilley were as an attorney ad litem, the Court enters judgment in favor of the Plaintiffs against the United States of America in the amount of \$273,988.52 and taxes such sum as taxable court costs to be paid by the Government in this case. The sum of \$273,988.52 represents a guardian ad litem fee of \$243,000 which is 1.5% of the \$16.2MM amount recovered by the minor, Ryan Dickerson ($\$20\text{MM} \times 81\% \times 1.5\%$) plus post judgment interest on such amount in accordance with 28 U.S.C. §1961(b) & §2414 and 31 U.S.C. §1304 (b)(1)(A).

4. The Court further enters judgment in favor of the Plaintiffs against the United States of America in the amount of \$46,876.43. This amount represents all court costs in the amount of \$41,574.61 previously taxed as costs in this case, exclusive of the guardian ad litem fee, plus post judgment

interest on such costs in accordance with 28 U.S.C. §1961(b) & §2414 and 31 U.S.C. §1304 (b)(1)(A).

5. All amounts apportioned to the minor ward, Ryan Dickerson, by this judgment approving and adopting this Court's Order of May 22, 2001, shall be held in trust for the use and benefit of Ryan Dickerson in accordance with the July 17, 2001 Order Creating the "Ryan Dickerson Trust" Pursuant To Section 142.005 Of The Texas Property Code, and the "Trust Agreement for the Ryan Dickerson Trust" approved by the Guardian ad Litem, Van Hilley on July 19, 2001, subject to the further orders of this court.

Signed this the 21st day of August, 2002.



Chief Judge James R. Nowlin
United States District Court
Western District of Texas